





The deadlines contained in paragraphs 8(b) to 8(f) may be changed by mutual agreement of the parties, provided all fact discovery is completed by **September 5, 2023**.

- c. Responsive documents shall be produced by 6/1/2023.  
Do the parties anticipate e-discovery? [Yes X / No \_\_\_\_\_]
  - d. Interrogatories pursuant to Fed. R. Civ. P. 33 shall be served by 5/1/2023.
  - e. Depositions pursuant to Fed. R. Civ. P. 30, 31 shall be completed by 8/15/2023.
  - f. Requests to admit pursuant to Fed. R. Civ. P. 36 shall be served by 6/10/2023.
  - g. **Any of the deadlines in paragraphs 8(b) through 8(f) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 8(a).**
9. Expert Discovery [if applicable]
- a. Anticipated types of experts if any:  
Design Experts, Damages Experts
  - b. If you have identified types of experts in question 9(a), all expert discovery shall be completed no later than ~~11/15/2023~~ October 20, 2023  
[Within 45 days from the date in paragraph 8(a), i.e., the completion of all fact discovery, absent exceptional circumstances.] Omit if you have not identified types of experts.  
August 4, 2023
  - c. If you have identified types of experts in question 9(a), by ~~9/22/2023~~ no later than one month before the date in paragraph 8(a), i.e., the completion of all fact discovery the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) expert report(s) of the party with the burden of proof shall be due before those of the opposing party's expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 9(b).
10. This case [is X / is not \_\_\_\_\_] to be tried to a jury.
11. Counsel for the parties have conferred and their present best estimate of the length of trial is 5 days.

Following the exchange of initial disclosures described in paragraph 7, the parties shall meet and confer in good faith to identify any retailers that Plaintiff would like to add as parties.

12. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are set forth below:

Protective Order

Date Certain for defendants to produce the list of Retailers

13. Status Letters and Conferences

- a. By ~~8/1/2023~~ June 2, 2023, and August 4, 2023, [60 days after the commencement of fact discovery], the parties shall submit a joint status letter, as outlined in Individual Rule IV.A.2.
- b. By ~~9/30/2023~~ September 17, 2023 [14 days after the close of fact discovery], the parties shall submit a joint status letter, as outlined in Individual Rule IV.A.2 and, in the event that they have not already been referred for settlement discussions, shall also advise the Court whether or not they request a referral for settlement discussions as provided in Paragraph 4(c) above.
- c. On ~~KK/30/2023~~ November 15, 2023, at 4:10 P.M. at ~~10:00 AM~~ [usually 14 days after the close of all discovery], a pre-motion conference will be held for any anticipated dispositive motions, provided:
- i. A party wishing to file a summary judgment or other dispositive motion shall file a pre-motion letter **at least two weeks before the** conference and in the form provided in the Court's Individual Rule III.A.1. Any party wishing to oppose shall file a responsive letter as provided in the same Individual Rule. The motion will be discussed at the conference. To join the conference, the parties shall call (888) 363-4749 and use Access Code 558-3333. The time of the conference is approximate, but the parties shall be ready to proceed at that time.
  - ii. **If no pre-motion letter is timely filed, this conference will be canceled and the matter placed on the Court's trial-ready calendar.** The parties will be notified of the assigned trial-ready date and the filing deadlines for pretrial submissions. The parties are warned that any settlement discussions will not stay pretrial deadlines or the trial date.

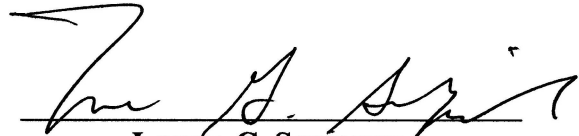
This Order may not be modified or the dates herein extended, except as provided in paragraph 8(g) or by further Order of this Court for good cause shown. Any application to modify or extend the dates herein, except as provided in paragraph 8(g), shall be made in a written application in accordance with the Court's Individual Rules and shall be made no less than 2 business days prior to the expiration of the date sought to be extended.

Notwithstanding any other rules governing discovery or other deadlines, the parties shall follow the deadlines set forth herein unless expressly ordered otherwise by the Court.

The Clerk of Court is directed to enter the dates under paragraphs 5, 6, 8(a), 9(b)-(c) and 13(a)-(c) into the Court's calendar, and to schedule the conference under paragraph 13(c) as a Pre-Motion Conference, even though the conference will be held by telephone.

SO ORDERED.

Dated: April 20, 2023  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**